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10/653,708	09/02/2003	Peter Wassmann	MS#303971.01 (5069)	2692
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ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			RAMPURIA, SATISH	
			ART UNIT	PAPER NUMBER
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		04/27/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/27/2007.

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uspatents@senniger.com

	Application No.	Applicant(s)		
	10/653,708	WASSMANN ET AL.		
Office Action Summary	Examiner	Art Unit		
	Satish S. Rampuria	2191		
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address		
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	J. nely filed the mailing date of this communication. D (35 U.S.C. § 133).		
Status				
Responsive to communication(s) filed on 20 Fe This action is FINAL . 2b) ☐ This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro			
Disposition of Claims				
4) Claim(s) 1-47 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) Claim(s) is/are allowed. 6) Claim(s) 1-47 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or	vn from consideration.			
Application Papers				
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the Replacement drawing sheet(s) including the correct and the sheet of the	epted or b) objected to by the I drawing(s) be held in abeyance. See ion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).		
Priority under 35 U.S.C. § 119				
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate		

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DETAILED ACTION

- 1. This action is in response to the amendment filed on 02/20/2007.
- 2. The objection to specification due to title and use of trademarks is withdrawn in view of Applicant's amendment.
- The rejection under 35 U.S.C. §101 to claims 19-30 is withdrawn in view of Applicant's amendment.
- 4. Claims amended by the Applicants: 1 and 19-31.
- 5. Claims 1-47 are pending.

Response to Arguments

- 6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.
- 7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

- 8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 9. Claims 1-12, 14, 18-28, 31-41, 43 and 47 are rejected under 35
 U.S.C. 103(a) as being unpatentable over US Patent No. 6,694,320 to Ortiz et al.
 (hereinafter, Ortiz) in view of US Publication No. 2004/0204946 to Alger et al.
 (hereinafter, Alger).

Per claim 1:

Ortiz discloses:

A computerized method of branding a software product comprising:

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- assigning a namespace to each of a plurality of resource files, said resource files each containing one or more branding resources (col. 1, lines 45-48 "...storing branding information associated with the computer product in a central library...");
- grouping the resource files according to the assigned namespaces (col. 1, lines 45-48 "...storing branding information associated with the computer product in a central library...");
- executing an interface to call a group of resource files as a function of a selected namespace (col. 1, lines 55-60 "...linking to a first library storing routines to access branding data stored in a central library in response to the request; calling the routines in the first library..."), said selected namespace corresponding to one or more installed components of the software product (col. 3, lines 44-50 "...software application requires branding data...calls the routing...to access the appropriate product name...convey to the software application"); and
 - searching the called group of resource files for one or more of the branding resources to be installed in the software product (col. 1, lines 45-52 "...the at least one routine being called by a software application requesting branding data and extracting the appropriate branding data from the central library in response to the call...").

Ortiz does not explicitly disclose installing the called group of resources files containing the one or more branding resources in the software product in response to the searching.

However, Alger discloses in an analogous computer system installing the called group of resources files containing the one or more branding resources in the software product in response to the searching (paragraph [0041] "After the generic software 201 has been installed on the consumer's computer, the software 201 will then locate and use the branding information 204B so that the use of the software 201 evokes an association with the merchant 502B").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of installing the called group of resources files containing the one or more branding resources in the software product in response to the searching as taught by Alger into the method of branding software as taught by Ortiz. The modification would be obvious because of one of ordinary skill in the art would be motivated to installing the called group of resources files containing the one or more branding resources in the software product in response to the searching to provide a way to differentiate a company form their competitors (paragraph [0006]).

Per claim 2:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

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- further comprising centrally storing the plurality of branding resources (col. 1, lines 45-48 "...storing branding information associated with the computer product in a central library...").

Per claim 3:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

- wherein assigning the namespaces comprises identifying which of the branding resources contained in the resource files correspond to specific brands (col. 1, lines 45-50 "...the called routines loading the central library and extracting branding data from the central library identified in the request; and conveying the extracted branding data to the software application...").

Per claim 4:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

wherein each of the resource files comprises a dynamic-link library (col. 3, lines 13-19 "...software <u>makes</u> use of dynamic link libraries (DLLs), which provide a simple and compact procedure for software applications to access required branding data...").

Per claim 5:

The rejection of claim 4 is incorporated and further, Ortiz discloses:

wherein the branding resources reside in one or more of the dynamic-link libraries associated therewith (col. 3, lines 19-29 "...cvOEMBrand.DLL holds the actual branding data. Thus, all branding data is stored in a single central location..."), and wherein executing the interface comprises accessing the branding resources in the associated dynamic-link libraries (col. 3, lines 19-29 "...cvBrandDLL holds a number of routines which are called in response to a request for branding data made by a software application to access branding data...").

Per claim 6:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

- wherein at least one of the branding resources comprises an image associated with the software product (col. 1, lines 63-67 "...The branding data can be stored in a version resource in the central library and can include string resources for the product names and OEM names. The images can also be stored in the version resource in bitmap resources...").

Per claim 7:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

- wherein at least one of the branding resources comprises a character string identifying the software product (col. 1, lines 63-67 "...central library and can

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include string resources for the product names...").

Per claim 8:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

- further comprising embedding, in each of the resource files, metadata identifying

the branding resources contained therein, and wherein the called group of

resource files is searched for the branding resources to be installed in the

software product based on the embedded metadata (col. 1, lines 63-67 to col. 2,

lines 1-3 "... The branding data can be stored in a version resource in the central

library and can include string resources for the product names and OEM names.

The images can also be stored in the version resource in bitmap resources...").

Per claim 9:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

wherein each of the resource files has a branding manifest associated therewith (col. 3, lines 19-29 "...cvOEMBrand.DLL holds the actual branding data. Thus, all branding data is stored in a single central location..."), and further comprising identifying the branding resources contained in each of the resource files with the associated branding manifest (col. 3, lines 19-29 "...cvBrandDLL holds a number of routines which are called in response to a request for <u>branding data made by a software application to access branding data...</u>").

Per claim 10:

The rejection of claim 9 is incorporated and further, Ortiz discloses:

- wherein identifying the branding resources includes indicating, with the associated branding manifest, whether one or more of the branding resources contained in the resource file can be overwritten by a third party (col. 3, lines 19-29 "...cvOEMBrand.DLL holds the actual branding data. Thus, all branding data is stored in a single central location... cvBrandDLL holds a number of routines which are called in response to a request for branding data made by a software application to access branding data...").

Per claim 11:

The rejection of claim 9 is incorporated and further, Ortiz discloses:

wherein identifying the branding resources includes indicating, with the
 associated branding manifest, a resource type for each of the branding resources

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contained in the resource file (col. 3, lines 19-29 "...cvOEMBrand.DLL holds the actual branding data. Thus, all branding data is stored in a single central location...").

Per claim 12:

The rejection of claim 9 is incorporated and further, Ortiz discloses:

- further comprising adding one or more branding resources to at least one of the resource files and updating the branding manifest associated therewith (col. 2, lines 15-20 "...the branding data is kept in a compact form, which can be easily accessed and updated. As a result, it is a simple and direct procedure to add new procedures and branding data and to alter existing procedures and branding data...").

Per claim 14:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

wherein the interface is an application programming interface (col. 1, lines 55-60 "...linking to a first library storing routines to access branding data stored in a central library in response to the request; calling the routines in the first library...").

Per claim 18:

The rejection of claim 1 is incorporated and further, Ortiz discloses:

- wherein one or more computer-readable media have computer-executable instructions for performing the computerized method of claim 1 (col. 2, lines 4-14 "...provided a computer readable medium including computer program code for accessing branding data stored in a central resource...").

Claims 19-28 are the computer product claim corresponding to method claims 1, 3-11 respectively, and rejected under the same rational set forth in connection with the rejection of claims 1, 3-11 respectively, above.

Per claim 31:

Ortiz discloses:

- A computerized method of branding a software product comprising:
- assigning a namespace to each of a plurality of resource files, said resource files each containing one or more branding resources (col. 1, lines 45-48 "...storing branding information associated with the computer product in a central library...");
- embedding, in each of the resource files, metadata identifying the branding resources contained therein (col. 1, lines 45-48 "...storing branding information associated with the computer product in a central library...");
- executing an interface to call at least one of the resource files as a function of a selected namespace (col. 1, lines 55-60 "...linking to a first library storing routines to access branding data stored in a central library in response to the

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request; calling the routines in the first library..."), said selected namespace corresponding to one or more installed components of the software product (col. 3, lines 44-50 "...software application requires branding data...calls the routing...to access the appropriate product name...convey to the software application"); and

searching the called resource file for one or more of the branding resources to be installed in the software product based on the embedded metadata (col. 1, lines 45-52 "...the at least one routine being called by a software application requesting branding data and extracting the appropriate branding data from the central library in response to the call...").

Ortiz does not explicitly disclose installing the called group of resources files containing the one or more branding resources in the software product in response to the searching.

However, Alger discloses in an analogous computer system installing the called group of resources files containing the one or more branding resources in the software product in response to the searching (paragraph [0041] "After the generic software 201 has been installed on the consumer's computer, the software 201 will then locate and use the branding information 204B so that the use of the software 201 evokes an association with the merchant 502B").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of installing the called group of

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resources files containing the one or more branding resources in the software product in response to the searching as taught by Alger into the method of brading software/hardware information as taught by Ortiz. The modification would be obvious because of one of ordinary skill in the art would be motivated to installing the called group of resources files containing the one or more branding resources in the software product in response to the searching to provide a way to differentiate a company form their competitors (paragraph [0006]).

Per claim 32:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

- further comprising grouping the resource files according to the assigned namespaces, and wherein the interface calls a group of resource files as a function of a selected namespace (col. 1, lines 45-48 "...storing branding information associated with the computer product in a central library...").

Per claim 33:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

- further comprising centrally storing the plurality of branding resources (col. 1, lines 45-48 "...storing branding information associated with the computer product in a central library...").

Per claim 34:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

- wherein assigning the namespaces comprises identifying which of the branding resources contained in the resource files correspond to specific brands (col. 1, lines 45-50 "...the called routines loading the central library and extracting branding data from the central library identified in the request; and conveying the extracted branding data to the software application...").

Per claim 35:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

- wherein each of the resource files comprises a dynamic-link library (col. 3, lines 13-19 "...software <u>makes</u> use of dynamic link libraries (DLLs), which provide a simple and compact procedure for software applications to access required branding data...").

Per claim 36:

The rejection of claim 35 is incorporated and further, Ortiz discloses:

- wherein the branding resources reside in one or more of the dynamic-link libraries associated therewith (col. 3, lines 19-29 "...cvOEMBrand.DLL holds the actual branding data. Thus, all branding data is stored in a single central location..."), and wherein executing the interface comprises accessing the branding resources in the associated dynamic-link libraries (col. 3, lines 19-29 "...cvBrandDLL holds a number of routines which are called in response to a

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request for <u>branding data made by a software application to access branding</u> data...").

Per claim 37:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

wherein at least one of the branding resources comprises an image associated with the software product (col. 1, lines 63-67 "... The branding data can be stored in a version resource in the central library and can include string resources for the product names and OEM names. The images can also be stored in the version resource in bitmap resources...").

Per claim 38:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

wherein at least one of the branding resources comprises a character string identifying the software product (col. 1, lines 63-67 "...central library and can include string resources for the product names...").

Per claim 39:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

- further comprising indicating, with the embedded metadata, whether one or more of the branding resources contained in the resource files can be overwritten by a

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third party (col. 3, lines 19-29 "...cvOEMBrand.DLL holds the actual branding data. Thus, all branding data is stored in a single central location... cvBrandDLL holds a number of routines which are called in response to a request for <u>branding</u> data made by a software application to access branding data...").

Per claim 40:

The rejection of claim 39 is incorporated and further, Ortiz discloses:

further comprising indicating, with the embedded metadata, a resource type for each of the branding resources contained in the resource files (col. 1, lines 45-50 "...the called routines loading the central library and extracting branding data from the central library identified in the request; and conveying the extracted branding data to the software application...").

Per claim 41:

The rejection of claim 39 is incorporated and further, Ortiz discloses:

- further comprising adding one or more branding resources to at least one of the resource files and updating the metadata embedded therein (col. 2, lines 15-20 "...the branding data is kept in a compact form, which can be easily accessed and updated. As a result, it is a simple and direct procedure to add new procedures and branding data and to alter existing procedures and branding data...").

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Per claim 43:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

wherein the interface is an application programming interface (col. 1, lines 55-60
 "...linking to a first library storing routines to access branding data stored in a central library in response to the request; calling the routines in the first library...").

Per claim 47:

The rejection of claim 31 is incorporated and further, Ortiz discloses:

wherein one or more computer-readable media have computer-executable instructions for performing the computerized method of claim 31 (col. 2, lines 4-14 "...provided a computer readable medium including computer program code for accessing branding data stored in a central resource...").

10. Claims 13, 15, 16, 17, 29-30, 42, 44, 45, and 46 rejected under 35

U.S.C. 103(a) as being unpatentable over Ortiz in view of Alger and further in view of US Publication No. 2003/0195921 to Becker et al. (hereinafter, Becker).

Per claim 13:

The rejection of claim 9 is incorporated and further, Ortiz does not explicitly disclose wherein the branding manifest comprises an extensible markup language file.

However, Becker discloses in an analogous computer system wherein the branding manifest comprises an extensible markup language file (paragraph [0060] "An

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XML element of the type Resource is a resource of the application (e.g., a binary file, a configuration file, a directory, a Web page)").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of wherein the branding manifest comprises an extensible markup language file as taught by Becker into the method of branding software as taught by the combination of Ortiz and Alger. The modification would be obvious because of one of ordinary skill in the art would be motivated use the resource files as a XML files to provide user a flexibility to change or update to resource files on the fly as suggested by Becker (paragraph [0012]).

Per claim 15:

The rejection of claim 1 is incorporated and further, Ortiz does not explicitly disclose wherein the software product comprises a plurality of binary files organized into components, each of said components having a component manifest associated therewith for identifying the component and specifying one or more dependencies of the component, and further comprising specifying a dependency from at least one selected component to the interface for accessing the branding resources to be installed in connection with the selected component.

However, Becker discloses in an analogous computer system wherein the software product comprises a plurality of binary files organized into components, each of said components having a component manifest associated therewith for identifying

the component (paragraph [0060] "An XML element of the type Resource is a resource of the application (e.g., a binary file, a configuration file, a directory, a Web page)") and specifying one or more dependencies of the component, and further comprising specifying a dependency from at least one selected component to the interface for accessing the branding resources to be installed in connection with the selected component (paragraph [0066] "... The element CheckDependency checks for the existence of an installation of another component on the target server... element can include XML attributes... Component Version (a version of the XML element component to check for dependency), InstallPath (an installation path of the corresponding component), and BooleanDependency (a relationship to a version of the installed component, e.g., equal, greater_than, greater_than_equal)").

The feature of wherein the software product comprises a plurality of binary files organized into components, each of said components having a component manifest associated therewith for identifying the component and specifying one or more dependencies of the component, and further comprising specifying a dependency from at least one selected component to the interface for accessing the branding resources to be installed in connection with the selected component would be obvious for the reasons set forth in the rejection of claim 13.

Per claim 16:

The rejection of claim 15 is incorporated and further, Ortiz does not explicitly disclose wherein specifying the dependency from the selected component to the

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interface includes specifying the selected namespace, said selected namespace corresponding to a specific brand.

However, Becker discloses in an analogous computer system wherein specifying the dependency from the selected component to the interface includes specifying the selected namespace, said selected namespace corresponding to a specific brand (paragraph [0066] "...The element CheckDependency checks for the existence of an installation of another component on the target server... element can include XML attributes...Component Version (a version of the XML element component to check for dependency), InstallPath (an installation path of the corresponding component), and BooleanDependency (a relationship to a version of the installed component, e.g., equal, greater_than, greater_than_equal)").

The feature of wherein specifying the dependency from the selected component to the interface includes specifying the selected namespace, said selected namespace corresponding to a specific brand would be obvious for the reasons set forth in the rejection of claim 13.

Per claim 17:

The rejection of claim 16 is incorporated and further, Ortiz does not explicitly disclose, wherein specifying the selected namespace includes specifying another namespace corresponding to a different specific brand to modify the branding of the software product.

However, Becker discloses in an analogous computer system wherein specifying the selected namespace includes specifying another namespace corresponding to a different specific brand to modify the branding of the software product (paragraph [0066] "...The element CheckDependency checks for the existence of an installation of another component on the target server... element can include XML attributes...Component Version (a version of the XML element component to check for dependency), InstallPath (an installation path of the corresponding component), and BooleanDependency (a relationship to a version of the installed component, e.g., equal, greater than, greater_than_equal)").

The feature of wherein specifying the selected namespace includes specifying another namespace corresponding to a different specific brand to modify the branding of the software product would be obvious for the reasons set forth in the rejection of claim 13.

Claims 29 and 30 are the computer product claim corresponding to method claims 13 and 14 respectively, and rejected under the same rational set forth in connection with the rejection of claim 13 and 14 respectively, above

Per claim 42:

The computerized method of claim 39, wherein an extensible markup language file contains the embedded metadata. The limitations in the claims are similar to those in

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claim 13, and rejected under the same rational set forth in connection with the

rejection of claim 13.

Per claim 44:

The computerized method of claim 44, wherein the software product comprises a

plurality of binary files organized into components, each of said components having a

component manifest associated therewith for identifying the component and specifying

one or more dependencies of the component, and further comprising specifying a

dependency from at least one selected component to the interface for accessing the

branding resources to be installed in connection with the selected component. The

limitations in the claims are similar to those in claim 15, and rejected under the

same rational set forth in connection with the rejection of claim 15.

Per claim 45:

The computerized method of claim 44, wherein specifying the dependency from the

selected component to the interface includes specifying the selected namespace, said

selected namespace corresponding to a specific brand. The limitations in the claims

are similar to those in claim 16, and rejected under the same rational set forth in

connection with the rejection of claim 16.

Per claim 46:

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The computerized method of claim 45, wherein specifying the selected namespace includes specifying another namespace corresponding to a different specific brand to modify the branding of the software product. The limitations in the claims are similar to those in claim 17, and rejected under the same rational set forth in connection with the rejection of claim 17.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is (571) 272-3732. The examiner can normally be reached on 8:30 am to 5:00 pm Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner/Software Engineer
Art Unit 2191

May Stutm Sring Lrami